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July 20, 2005

direct dial 404 815 6367 direct fax 404 541 3348 JPratt@KilpatrickStockton.com

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

Letter in Response to Patent Term Adjustment Letter from the

Commissioner of Patents Office dated March 30, 2005

regarding U.S. Application No. 09/783,354 (U.S. Patent No. 6,908,656)

Our File: IRC293 – I4060-205649

Dear Sirs:

This letter replies to the Patent Term Adjustment letter issued by the U.S. Patent Office on March 30, 2005, in response to the Applicant's Application for Patent Term Adjustment filed on October 15, 2004.

According to the Patent Office's letter of March 30, 2005, the request for reconsideration was held in abeyance subject to the issuance date being set by the Office of Patent Publications. The Applicant was advised that a letter may be submitted to the Office within two months of the issuance of the patent if, at the time of issuance of the patent, the appropriate adjustment under 37 C.F.R. §1.702(b) had not been accorded. The patent issued on June 21, 2005 and according to Patentee's calculations the appropriate adjustment under 37 C.F.R. §1.702(b) has not been accorded.

The term of the patent has been adjusted by 157 days. Patentees' Assignee hereby requests that the term of the patent be adjusted by a total of 277 days.

According to the Patent Term Adjustment History on Public PAIR, the Patent Office has accorded the Patentee with a delay of 120 days due to the filing of a "Miscellaneous Letter" on October 13, 2004. A copy of the Patent Term Adjustment History for the referenced patent is attached as Exhibit A The "Miscellaneous Letter" is a "Response to Notice of Allowance" requesting the initialing of PTO form PTO/SB08a filed with the Patent Office on September 15, 2005. A copy of the "Response to Notice of Allowance" as filed on October 13, 2004 is attached as Exhibit B.

ATLLIB02 188320.1

Commissioner for Patents July 20, 2005 Page 2

As this "Response to Notice of Allowance" was filed to correct an omission on the part of the Patent Office and not to request the amendment of the application under 37 C.F.R §1.312 after issuance of a Notice of Allowance, Patentees and their Assignee do not believe that the accord of the 120 day delay is justified and ask that the accord of the 120 day delay be removed. With the removal of the 120 day Applicant delay, the Patent Term Adjustment History should read: USTPO Delay (PTO): 493 days and Applicant Delay (APPL): 216 days. Therefore, the Total PTA should read 277 days.

Should the Commissioner have any questions regarding the above, the Commissioner is respectfully requested to contact Assignee's representative at 404.815.6367.

hn S. Pratt

JSP/MAC Enclosures

JUL 2 2 2005

## Printer Friendly

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09/783,354 ORTHOGONALLY AMBIGUOUS CARPET TILE

### Patent Term Adjustment History

| Patent  | Term Adjustmen                     | t (PTA) for A  | pplication N | umber: 09/78   | 33,354         |
|---|------------------------------------|----------------|--------------|----------------|----------------|
|   |                                    |                |              |                | Days           |
| Fili  | ing or 371(c) Date:                | 02-14-2001     | U:           | SPTO Delay (I  |                |
| Issue Date of Patent: 06-21-2005 Three Yea      |                                    |                |              |                |                |
| Pre-Issu  | e Petitions (days):                | +0             | Appl         | icant Delay(A) | PPL): 336      |
| Post-Issu                                       | e Petitions (days):                | +0             |              | Total          | PTA: 157       |
| USPTO   | Adjustment(days):                  | +0             | Explanatio   | n Of Calculati | ons            |
|   | Patent                             | Term Adjust    | ment Histor  | ry             |                |
| Date  | Conte                              | nts Descriptio | n            | PTO(Days)      | APPL<br>(Days) |
| 06-21-2005                                      | Patent Issue Date                  | Used in PTA (  | Calculation  | 123            |                |
| 06-01-2005                                      | PTA 36 Months                      |                |              | 370            |                |
| 05-24-2005                                      | Workflow - Query                   | Request - Fin  | ish          | 仓              |                |
| 05-20-2005                                      | Workflow - Query                   | Request - Fin  | ish          | 企              |                |
| 05-17-2005                                      | Receipt into Pubs                  |                |              | <b>₽</b>       |                |
| 05-16-2005                                      | New or Additiona                   | l Drawing File | ed           | 企              | 37             |
| 04-25-2005                                      | Workflow - Query                   | Request - Be   | gin          | ⇧              | 企              |
| 04-22-2005                                      | Receipt into Pubs                  |                |              | 企              | 企              |
| 04-22-2005                                      | Receipt into Pubs                  |                |              | <b>₽</b>       | 介              |
| 04-22-2005                                      | Receipt into Pubs                  |                |              | 仓              | 介              |
| 04-05-2005                                      | Dispatch to FDC                    |                | -            | 1              | 介              |
| 04-05-2005                                      | Dispatch to FDC                    |                |              | <b>1</b>       | 介              |
| 04-05-2005                                      | Application Is Co                  | nsidered Ready | y for Issue  | <b>1</b>       | 1              |
| 04-01-2005                                      | Receipt into Pubs                  |                |              | <b>1</b>       | 介              |
| 03-30-2005                                      | Petition Decision                  | - Dismissed    |              | 企              | 介              |
| 02-02-2005                                      | Receipt into Pubs                  |                |              | 仓              | 介              |
| 02-02-2005                                      | Receipt into Pubs                  |                |              | <b>1</b>       | 介              |
| 12-10-2004                                      | Workflow - Query Request - Finish  |                | 1            | <b>企</b>       |                |
| 11-23-2004                                      | Workflow - Query                   | Request - Be   | gin          | 仓              | 介              |
| 10-20-2004                                      | Receipt into Pubs                  |                |              | ↑ ↑            | 介              |
| 10-20-2004                                      | Receipt into Pubs                  |                |              | 介              | 企              |
| 10-20-2004                                      | Receipt into Pubs                  |                | 仓            | 介              |                |
|   | Workflow - File Sent to Contractor |                | 仓            | 介              |                |
| 10-18-2004                                      | Issue Fee Payment Verified         |                | 1            | 介              |                |
|   | Issue Fee Payment Received         |                | <b>₽</b>     | 企              |                |
| <del>                                    </del> | Petition Entered                   |                | <b>1</b>     | 介              |                |
| 10-13-2004                                      | Miscellaneous Inc                  | oming Letter   |              | 1              | 120            |
|   | Mail Notice of Al                  |                |              | ₽ P            | <b>1</b>       |
| 10-04-2004                                      | Mail Examiner's A                  | mendment       |              | <b>₽</b>       | 介              |
|   | Issue Revision Co                  |                |              | <b></b>        | 企              |
|   | Examiner's Amen                    |                | inication    | <b>1</b>       | 企              |
|   | Notice of Allowar                  |                |              | 1              | 介              |

| 09-30-2004 Completed                                    |           |          |
|---|-----------|----------|
| 09-30-2004 Notice of Allowability                       | ⇧         | <b>企</b> |
| 08-20-2004 IFW TSS Processing by Tech Center Complete   | 1         | 1        |
|   |           |          |
| 08-20-2004 Date Forwarded to Examiner                   | Û         | 1        |
| 08-02-2004 Reference capture on IDS                     | Ŷ.        | <b>1</b> |
| 08-02-2004 Information Disclosure Statement (IDS) Filed | <u></u>   | 21       |
| 07-16-2004 Workflow incoming amendment IFW              | Ŷ         |          |
| 07-12-2004 Response after Non-Final Action              | 1         |          |
| 06-21-2004 Mail Examiner Interview Summary (PTOL - 413) | <b>P</b>  |          |
| 06-21-2004 Mail Supplemental Non-Final Action           | 1         |          |
| 06-18-2004 Supplemental Non-Final Action                | 4         |          |
| 02-25-2004 Examiner Interview Summary Record (PTOL 413) | <b>1</b>  | -        |
| 12-17-2003 Mail Non-Final Rejection                     | 1         |          |
| 12-15-2003 Non-Final Rejection                          | <b>₽</b>  |          |
| 10-24-2003 Case Docketed to Examiner in GAU             | Û         | •        |
| 10-08-2003 Date Forwarded to Examiner                   | Ŷ         |          |
| 09-15-2003 Response after Non-Final Action              | 1         |          |
| 09-15-2003 Information Disclosure Statement (IDS) Filed | 4         |          |
| 09-12-2003 Information Disclosure Statement (IDS) Filed | 4         |          |
| 06-16-2003 Mail Non-Final Rejection                     | Ŷ         |          |
| 06-14-2003 Non-Final Rejection                          | 1         |          |
| 05-19-2003 Notice of Appeal Filed                       | <b>⊕</b>  |          |
| 05-19-2003 Request for Extension of Time - Granted      | <u> </u>  |          |
| 05-13-2003 Miscellaneous Incoming Letter                | <b>₽</b>  |          |
| 05-07-2003 Mail Advisory Action (PTOL - 303)            | <b>₽</b>  |          |
| 05-06-2003 Advisory Action (PTOL-303)                   | Û         |          |
| 05-01-2003 Date Forwarded to Examiner                   | <b>₽</b>  |          |
| 05-01-2003 Date Forwarded to Examiner                   | <u></u> ₽ | :.       |
| 04-25-2003 Letter Requesting Interview with Examiner    | <b>1</b>  |          |
| 04-11-2003 Supplemental Response                        | 企         | 11       |
| 03-31-2003 Amendment after Final Rejection              | Û         | 介        |
| 03-12-2003 Mail Advisory Action (PTOL - 303)            | <b>₽</b>  |          |
| 03-10-2003 Advisory Action (PTOL-303)                   | <b></b>   |          |
| 03-06-2003 Date Forwarded to Examiner                   | 4         |          |
| 02-27-2003 Amendment after Final Rejection              | ₽ P       |          |
| 01-23-2003 Mail Final Rejection (PTOL - 326)            | <b>₽</b>  |          |
| 01-22-2003 Final Rejection                              | <b>₽</b>  |          |
| 12-23-2002 Information Disclosure Statement (IDS) Filed | Ŷ         | 38       |
| 11-19-2002 Date Forwarded to Examiner                   | <b>↑</b>  | 4        |
| 11-15-2002 Response to Election / Restriction Filed     | <b></b>   | 1        |
| 10-30-2002 Mail Restriction Requirement                 | Û         |          |
| 10-30-2002 Requirement for Restriction / Election       | <u>↑</u>  |          |
|   | 4         |          |

| 10-15-2002 | Information Disclosure Statement (IDS) Filed   |          | 63       |
|------------|--|----------|----------|
| 08-23-2002 | Date Forwarded to Examiner                     | 仓        | 介        |
| 08-13-2002 | Information Disclosure Statement (IDS) Filed   | Ŷ        | 介        |
| 08-13-2002 | Response after Non-Final Action                | <b>↑</b> | 46       |
|            | Request for Extension of Time - Granted        | 1        | <b>1</b> |
| 06-18-2002 | Examiner Interview Summary Record (PTOL - 413) | <b>₽</b> | <b>^</b> |
|            | Petition Decision - Granted                    | Û        | 仓        |
|            | Application Dispatched from OIPE               | <b>1</b> | 介        |
| 06-17-2002 | Application Is Now Complete                    | 1        | 介        |
| 06-17-2002 | Pre-Exam Office Action Withdrawn               | 1        | 仓        |
| 06-04-2002 | Petition Entered                               | 仓        | 仓        |
| 03-28-2002 | Mail Non-Final Rejection                       | 仓        | 仓        |
| 03-25-2002 | Non-Final Rejection                            | Û        |          |
| 10-31-2001 | Case Docketed to Examiner in GAU               | 企        | -        |
| 04-07-2001 | Case Docketed to Examiner in GAU               | 企        |          |
| 03-30-2001 | Application Dispatched from OIPE               | Û        |          |
| 03-30-2001 | Correspondence Address Change                  | 仓        |          |
| 03-14-2001 | IFW Scan & PACR Auto Security Review           | 仓        |          |
| 02-14-2001 | Initial Exam Team nn                           | 仓        |          |

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Attorneys at Law

OCT 1 3 2004

Suite 2800 1100 Peachtree St. Atlanta GA 30309-4530 t 404 815 6500 £404 815 6555 www.KilpatrickStockton.com

October 13, 2004

direct dial 404 745 2458 direct fax 404 541 3160 MCogburn@KilpatrickStockton.com

### FAX

| RECIPIENT/<br>PHONE NO.                | FAX NO.      | COMPANY/<br>CITY, STATE, COUNTRY                         |
|--|--------------|--|
| Examiner Cheryl Juska<br>Art Unit 1771 | 703 872 9306 | United States Patent & Trademark Office Washington, D.C. |

| Margaret A. Cogburn, Paralegal | 22                 |
|--------------------------------|--------------------|
| FROM                           | PAGES (WITH COVER) |
| 6408                           | I4060/205649       |
| REFERENCE NO                   | CLIENT/MATTER NO.  |

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#### COMMENTS

Please acknowledge receipt of the enclosed:

1) Response to Notice of Allowance

For:

Applicant(s): Daniel

Application No.: 09/783,354 Filing Date: February 14, 2001

Title: Orthogonally Ambiguous Carpet Tile Attorney Docket No. IRC293 14060/205649

KJD/MAC

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**PATENTS** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of:                   | )   |
|---|---|
| Sydney D. Daniel                        | )   |
| Serial No. 09/783,354                   | ) Art Unit: 1771  |
| 361141 NO. 09/763,534                   | ) Examiner: Juska, Cheryl Ann                                 |
| Filed: February 14, 2001                | )   |
| For: Orthogonally Ambiguous Carpet Tile | )<br>)<br>) Atty Docket: <b>IRC293</b> – <b>I4060/20564</b> 9 |

### RESPONSE TO NOTICE OF ALLOWANCE

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22323-1450

Sir:

In Response to the Notice of Allowance mailed October 4, 2004, Assignee respectfully requests that the Examiner issue a Supplemental Notice of Allowability acknowledging the consideration of the prior art filed with the Supplemental Information Disclosure Statement on September 15, 2003.

After a review of the Notice of Allowance and the two Office Actions issued by the Examiner in this case after the submission of the Supplemental Information Disclosure Statement on September 15, 2003, Assignee can find no evidence that the reference cited in the Supplemental Information Disclosure Statement was reviewed or considered by the Examiner. Therefore, Assignee requests that the Supplemental Information Disclosure

I hereby certify that this correspondence and all documents referred to as enclosed are being facsimile transmitted to: AFTER FINAL, U.S. Patent and Tradernark Office, fax no. 703-872-9306, on October 13, 2004.

Margaret A/Cogburn

ATULIEOZ 169661,1

Serial No. 09/783,354 Response to Notice of Allowance Page 2

Statement filed with the United States Patent Office on September 15, 2003 be considered. A copy of the Supplemental Information Disclosure Statement and cited reference are enclosed for the Examiner's review. A copy of Rightfax Auto-Reply Facsimile Transmission showing receipt of the Supplemental Information Disclosure Statement and cited reference by the United States Patent Office is also enclosed. Assignee requests that the Examiner attach an initialed copy of the PTO/SB/08a form with the issuance of the Supplemental Notice of Allowability.

Should the Examiner have any questions regarding the above, the Examiner is respectfully requested to contact Assignee's representative at the telephone number listed below.

Respectfully submitted,

Kristin L. Johnson Reg. No. 44,807

KILPATRICK STOCKTON LLP 1100 Peachtree Street Suite 2800 Atlanta, Georgia 30309-4530 (404) 815-6389 89/15/83 16:36:35

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Page 881

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| SECRETARY 15, 2003  FAX  EXEMPENTY PROBLEM IO. FAX 40, CITY, STATE, COUNTRY PROBLEM IO. FAX 40, CITY, STATE, COUNTRY ATTN: Charyl Ann Justin L703,872,9472 USFTO AATTN: Charyl Ann Justin L703,872,9472 U |  |  |   |        |
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PAGE 4/22\* RCVD AT 10/13/2004 4:30:51 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:404 815 6555 \* DURATION (mm-ss):12-54

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Daniel et al.

Serial No.:

09/783,354

Art Unit:

1772

Filed:

February 14, 2001

Examiner:

Cheryl Ann Juska

For:

ORTHOGONALLY AMBIGUOUS CARPET TILE

Attorney Docket No. IRC293 I4060/205649

Commissioner for Patents U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, Virginia 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this Response to Office Action and all documents referred to as exclosed are being facamille transmitted to: U.S. Patent and Trademark Office on September 15, 2003, BEFORE FINAL, fax no. 703-872-9310 at TC1700 (ART UNIT 1772) and personally to Examiner Juska at fax number 703.872.9472.

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), enclosed are copies of the references listed on the attached modified Form PTO-08A.

The undersigned concedes that the identified material constitutes prior art within the meaning of the United States patent laws.

The Commissioner is hereby authorized to charge the applicable fees to Deposit Account No. 11-0855.

fohn S. Pratt

Reg. No. 29,476

Attorney for Assignee

KILPATRICK STOCKTON LLP 1100 Peachtree Street, Suite 2800 Atlanta, Georgia 30309 404.815.6367

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|------------------------------------|------------------------|--|
|                                    | Application Number     | 09/783,354   |
| INFORMATION DISCLOSURE             | Filing Date            | 02/14/2001   |
| STATEMENT BY APPLICANT             | First Named Inventor   | Daniel et el.  |
| (Use as many sheets as neccessary) | Art Unit               | 1772   |
| (000 00 maily emets as neutrony)   | Examiner Name          | Cheryl Ann Juska   |
| Sheet 1 of 1                       | Attorney Docket Number | IRC293 I4060/205649  |

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not challen is in conformance with MPEP 808. Draw line through challen if not in conformance end not considered. Include copy of this form with next communication to applicant.

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